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09/626,982	07/27/2000	William Jon Schmidt	IBM / 09B	1040
7590 04/20/2004			EXAMINER	
Wood Herron & Evans LLP 2700 Carew Tower Cincinnati, OH 45202			ART UNIT	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/626,982

Applicant(s)

SCHMIDT, WILLIAM JON

Examiner

Kenneth A Gross

Art Unit

2122


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 24 February 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☐ Other (including any explanation in support of the above items):

With regard to issue 6(a), the appeal brief describes the grouping of Claims in section VII on Page 4, and states that "Claims 19 and 31 stand or fall separately from the other Claims". This statement seems to imply that Claims 19 and 31 stand together, and Claims 12-18, 24-30, and 32-35 stand together. However, the brief does not make this point clear by specifically stating where each of the claims stand or fall. Furthermore, the appeal brief presents arguments as to Claims 12, 24, and 31, which are not mentioned specifically in Section VII. Finally, Claim 31 is stated in Section VII as standing with Claim 19, and the argument on the bottom of Page 7 verifies this by arguing for Claims 19 and 31. However, the bottom of Page 4 and the third paragraph on Page 6 groups Claim 31 with Claims 12 and 24. Perhaps Claim 31, in these instances, refers to independent Claim 32.


TUAN DAM
SUPERVISORY PATENT EXAMINER